

PUBLIC UTILITIES COMMISSION

505 VAN NESS AVENUE
SAN FRANCISCO, CA 94102-3298



October 11, 1995

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William F. Caton
Acting Secretary
Federal Communications Commission
1919 M Street, N.W.
Washington, D.C. 20036

Re: In the Matter of Telephone Number
Portability, CC Docket No. 95-116

DOCKET FILE COPY ORIGINAL

Dear Mr. Caton:

Please find enclosed for filing an original plus eleven copies of the REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA in the above-referenced docket.

Also enclosed is an additional copy of this document. Please file-stamp this copy and return it to me in the enclosed, self-addressed, postage pre-paid envelope.

Very truly yours,

A handwritten signature in cursive script that reads 'Ellen S. LeVine'.

Ellen S. LeVine
Principal Counsel

ESL:nas

Enclosures

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ORIGINAL

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

RECEIVED

In the Matter of)

Telephone Number Portability)

CC Docket No. 95-116

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**REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA
AND THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

The People of the State of California and the Public Utilities Commission of the State of California ("California" or "CPUC") hereby respectfully submit their reply comments on the Federal Communications Commission's (FCC) Notice of Proposed Rulemaking (NPRM) in CC Docket No. 95-116, RM 8535 (July 13, 1995) concerning telephone number portability.

In our opening comments filed September 12, 1995, we stated that service provider portability is essential for the development of local competition, while service and location portability do not appear to have the same public interest importance. Today, we note that the New York State Department of Public Service, the Pacific Companies, and AT&T Corporation also support this viewpoint in their opening comments. According to these commenters, service provider portability is essential to meaningful local exchange competition, whereas service and location portability should be developed either through market forces or approached after service provider portability issues are resolved.

Because of our opinion that service provider portability is of paramount importance, we disagree with the opening comments of GTE Service Corporation (GTE) which argue in favor of its local number portability (LNP) solution that provides both service provider and location portability. Under GTE's proposal, customers desiring portable numbers would have to change to a non-geographic phone number which they could port to any service provider. GTE argues that this solution is low cost and provides both service provider and widespread location portability at the same time.

As we stated in our opening comments, solutions that require consumers to change to a new phone number to obtain portability defeat the purpose of service provider portability and do not resolve number exhaust problems. We are concerned that GTE's proposal could allow the incumbent local service provider to retain an advantage in a competitive local environment. If customers are required to change to a non-geographic number to port a phone number to a new provider, they may be dissuaded from changing providers at all. In California, we prefer a service provider portability solution that allows customers to change service providers and retain the number they have today. We urge the FCC to consider this preference in its own deliberations as well.

Our position is echoed by the The New York State Department of Public Service which states that "long-term solutions should support the fundamental principle that a customer does not have to change his or her telephone number.... Any proposed solution which requires a customer to change his or her number, even if

only on a one-time basis, defeats this purpose and should be dismissed."¹ We agree with AT&T which states that GTE's proposal could place a strain on numbering resources because all customers wanting a non-geographic portable number will have to select from a limited pool of numbers.² Furthermore, we support the comments of the Pacific Companies which urge the FCC to address location portability only after service provider portability has been resolved.³

In support of its solution, GTE states that its research has shown that customers do not want geographic telephone numbers to lose their significance because customers value the information geographic numbers provide, such as caller location and applicable toll charges.⁴ However, GTE does not explain how under its proposed solution, a party calling a non-geographic "ported" number would obtain this highly desirable information regarding location and toll charges. Because a customer porting a number from an incumbent local service provider to a new competitor appears to lose the geographic significance of his or her number, this could provide an incentive for a customer to remain with the incumbent.

1. Comments of New York State Department of Public Service, pgs. 7-8, September 12, 1995.

2. Comments of AT&T Corporation, pg. 28, September 12, 1995.

3. Comments of the Pacific Companies, pg. 26, September 12, 1995.

4. Comments of GTE, pg. 6, September 12, 1995.

Finally, GTE argues that its solution is more cost efficient than other solutions, such as those of AT&T and MCI, because it can provide both service provider and location portability whereas other solutions do not immediately support location portability. Because the CPUC believes that implementation of service provider portability is of greater public interest than location portability, we urge the FCC to consider the cost-effectiveness of service provider portability solutions separately from solutions which offer location portability. In our opinion, service provider portability should be of paramount concern as local competition emerges, while location portability should not be a priority at this time. We reiterate our position that the absence of location portability does not pose a threat to the development of competition in local exchange markets. Therefore, the FCC should consider the cost-effectiveness of location portability at a later date.

Respectfully submitted,

PETER ARTH, JR.
EDWARD W. O'NEILL
ELLEN S. LEVINE

By:


Ellen S. LeVine

Attorneys for the
Public Utilities Commission
of the State of California

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October 11, 1995

CERTIFICATE OF SERVICE

I, Ellen S. LeVine, hereby certify that on this 11th day of October, 1995 a true and correct copy of the foregoing REPLY COMMENTS OF THE PEOPLE OF THE STATE OF CALIFORNIA AND THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA was mailed first class, postage prepaid to all known parties of record.


Ellen S. LeVine